

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Raphael Mendez,

Civ. No. 20-1979 (PAM/KMM)

Plaintiff,

v.

ORDER

FMC Rochester, Minnesota; Warden Steve Kallis; A male Correctional Officer (Lieutenant); and A female Correctional SiS employ,

Defendants.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Kate M. Menendez dated February 1, 2021. (Docket No. 4.) The R&R recommends dismissal of this matter without prejudice because Plaintiff Raphael Mendez fails to state a claim for relief.

According to statute, the Court must conduct a de novo review of any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). Mendez filed a document titled “Objection,” but he fails to state any specific objection to the R&R. (Docket No. 5.) Although he disagrees with the R&R’s finding that his lawsuit is frivolous, he presents no reason as to why the R&R’s determination was clearly erroneous, and thus to the extent his submission is an objection to the R&R, it fails. Moreover, the R&R explained the deficiencies in Mendez’s pleading, and he has failed to cure the deficiencies to state a valid claim. After conducting the required reviews, the Court **ADOPTS** the R&R. (Docket No. 4.)

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Complaint (Docket No. 1) is **DISMISSED without prejudice**; and
2. Petitioner's Application to proceed in forma pauperis (Docket No. 2) is **DENIED as moot**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 19, 2021

s/ Paul A. Magnuson

Paul A. Magnuson
United States District Court Judge